

ORIGINAL

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Attorneys for Defendant and Counter-Claimant
 ABAXIS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

BV RIGHTS ANSTALT,

Plaintiff,

v.

ABAXIS, INC.,

Defendant.

And related counterclaim

CASE NO. C 04-4839 SC

**STIPULATION AND [PROPOSED]
 ORDER OF DISMISSAL WITH
 PREJUDICE OF ENTIRE ACTION**

Judge: Samuel Conti
 Action filed: November 12, 2004

STIPULATION

WHEREAS, as of May 15, 2006, plaintiff and counter-defendant BV Rights Anstalt ("BV Rights") and defendant and counter-claimant Abaxis, Inc. ("Abaxis") entered into a written Settlement Agreement and Mutual General Release ("Settlement Agreement");

WHEREAS, pursuant to the terms of the Settlement Agreement, BV Rights and Abaxis (collectively, the "Parties") have agreed to dismiss their operative complaint and counterclaim, respectively, in this action;

WHEREAS, pursuant to the terms of the Settlement Agreement, the Parties have agreed that this Court shall retain jurisdiction to enforce the terms of the settlement, including but not limited to jurisdiction over disputes arising out of the Settlement Agreement; and

WHEREAS, pursuant to the terms of the Settlement Agreement, the Parties have agreed to bear their own attorneys' fees and costs in this action.

THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a), the Parties hereby stipulate, by and through counsel, to: (1) the dismissal with prejudice of the entirety of this action; and (2) the Court's continuing jurisdiction to enforce the terms of the settlement, including but not limited to jurisdiction over disputes arising out of the Settlement Agreement.

THEREFORE, the Parties hereby further stipulate that they will bear their own respective attorneys' fees and costs in this action.

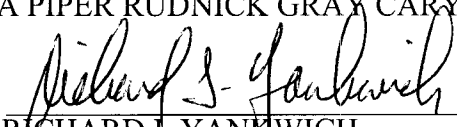
Dated: May 22, 2006

LUSCUTOFF, LENDORMY & ASSOCIATES

By 
JEAN Y. LENDORMY
Attorneys for Plaintiff and Counter-Defendant
BV RIGHTS ANSTALT

Dated: May 25, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

By 
RICHARD I. YANKWICH
Attorneys for Defendant and Counter-Claimant
ABAXIS, INC.

The Parties having so stipulated and good cause appearing therefor,

ORDER

IT IS HEREBY ORDERED THAT this action is hereby dismissed with prejudice in its entirety.

IT IS FURTHER ORDERED THAT this Court shall retain jurisdiction to enforce the terms of the settlement pursuant to the Settlement Agreement, including but not limited to jurisdiction over disputes arising out of the Settlement Agreement.

IT IS FURTHER ORDERED THAT the Parties shall bear their own respective attorneys' fees and costs in this action.

Dated: ~~May~~ ^{Sept} 11, 2006

